

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  COMMCHOICE OF IOWA, LLC	DOCKET NO. M-3116
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**ORDER GIVING NOTICE OF VIOLATION PURSUANT  
TO IOWA CODE SECTION 476.51**

(Issued October 18, 2004)

CommChoice of Iowa, LLC (CommChoice), is a competitive local exchange service provider holding Certificate No. 0180, issued pursuant to an order by the Utilities Board (Board), dated March 18, 1998, and issued in Docket No. TCU-97-40.<sup>1</sup>

Iowa Code 476.1 (2003) gives the Board jurisdiction to regulate the services of public utilities, including any person, partnership, business association, or corporation, owning, or operating any facilities for furnishing communications services to the public for compensation.

Iowa Code § 476.2 authorizes the Board to adopt rules to implement its regulatory authority under chapter 476. The Board has adopted rules to safeguard and conserve Iowa's limited numbering resources that are found in 199 IAC 22.24.

Iowa Code § 476.51 states that a public utility which, after written notice by the Board of a specific violation, violates the same provision of chapter 476, the same rule adopted by the Board, or the same provision of an order of the Board, is subject

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<sup>1</sup> *In Re: CommChoice of Iowa, LLC*, Docket Nos. TF-98-66, WRU-98-14-3116, and TCU-97-40, "Order Waiving Rule and Granting Certificate," March 18, 1998. On June 20, 2002, the Board issued its "Order Approving Amendment To Certificate To Discontinue Service, Concurrence In Maps, And Tariffs," in Docket Nos. TCU-02-6, TF-02-164, TCU-97-40, and TCU-01-23. Concurrently with that order, Amended Certificate No. 0180 was issued. Pursuant to the amended certificate, CommChoice of Iowa, LLC, is authorized to furnish local telephone service in Iowa exchanges as shown by its tariff as currently and subsequently approved.

to civil penalties of not less than \$100 or more than \$2,500 per violation. If the utility willfully, that is, knowingly and with specific intent after written notice by the Board of a specific violation, violates the same provision of chapter 476 or the same rule or the same provision of a Board order, the civil penalty is not less than \$1,000 nor more than \$10,000 per violation.

On September 2, 2004, CommChoice applied to the North American Numbering Plan Administration (NANPA) for a new NXX Code consisting of 10,000 numbers to serve an Iowa rate center. CommChoice submitted its application to the NANPA for numbers without first notifying the Board pursuant to 199 IAC 22.24, which states:

Any communications service provider, including but not limited to local exchange carriers, wireless service providers, and paging companies, applying for numbering resources with the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA) shall send a draft application or executed application to the board by facsimile transfer or electronic mail at least two days prior to the date on which the original application is to be received by the NANPA or PA. A draft application shall contain substantially the same information that is to be contained in an executed application. The application may be faxed to (515)281-5329 or electronically mailed to [iubrecordscenter@iub.state.ia.us](mailto:iubrecordscenter@iub.state.ia.us). Electronic submissions shall include "NANPA Application" or "PA Application" in the subject line.

These facts appear to be beyond dispute: CommChoice submitted an application for numbering resources to NANPA on September 2, 2004. CommChoice should have sent a draft of the application to the Board no later than August 31, 2004, but did not. Based on these facts, the Board finds that CommChoice violated the requirements of 199 IAC 22.24. (If

CommChoice disputes any of these facts or the Board's finding, it may file an application for reconsideration.)

Because of CommChoice's failure to adhere to the Board's rule, Board staff did not have an opportunity to consider the application and to propose alternatives that might have conserved Iowa's limited numbering resources. In response to informal inquiry, CommChoice indicated to Board staff that it was unaware of the requirements of 199 IAC 22.24.

This order provides CommChoice written notice that the Board expects it to be knowledgeable of, and to adhere to, Iowa's telephone numbering regulations, including 199 IAC 22.24. Future failure to meet the requirements of the rule may result in civil penalties.

**IT IS THEREFORE ORDERED:**

CommChoice of Iowa, LLC, is hereby given notice pursuant to the provisions of Iowa Code § 476.51 of a violation of 199 IAC 22.24. Failure to comply with this requirement in the future may result in a civil penalty action.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of October, 2004.